

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN ALLRED,

Plaintiff,

**JUDGMENT PURSUANT TO
RULE 68**

-v-

Index No. 19 Civ. 1480

THE CITY OF NEW YORK, New York City Police
Department Officer ("P.O.") CHRISTOPHER LEVINE,
P.O. PHILIP KARA, and Sergeant NOVAIDUL
NEON, in their individual capacities,

Defendants.
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WHEREAS, plaintiff Kevin Allred commenced this action by filing a complaint on or about March 14, 2019, alleging that various defendants violated plaintiff Kevin Allred's civil rights; and

WHEREAS, on June 12, 2019, defendant The City of New York served on plaintiff Kevin Allred a Rule 68 Offer of Judgment pursuant to the Federal Rules of Civil Procedure Rule to resolve all claims; and

WHEREAS, on June 25, 2019, plaintiff Kevin Allred accepted defendant The City of New York's Rule 68 Offer of Judgment; therefore

IT IS HEREBY ORDERED THAT, pursuant to Rule 68 of the Federal Rules of Civil Procedure, judgment against defendant The City of New York be entered in favor of plaintiff Kevin Allred in this action for the sum of Ten Thousand and One Dollars (\$10,001.00), plus reasonable attorneys' fees, expenses and costs to June 12, 2019; and

IT IS FURTHER ORDERED THAT, this judgment shall be in full satisfaction of all federal and state law claims or rights plaintiff Kevin Allred may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants The City of New York;

New York City Police Officer (P.O.) CHRISTOPHER LEVINE, P.O. PHILIP KARA, and Sergeant NOVAIDUL NEON; or any official, employee, or agent, either past or present, of The City of New York or any agency thereof, in connection with the facts and circumstances that are the subject of Mr. Allred's claims in this action; and

IT IS FURTHER ORDERED THAT, this judgment shall act to release and discharge defendants The City of New York; New York City Police Officer (P.O.) CHRISTOPHER LEVINE, P.O. PHILIP KARA, and Sergeant NOVAIDUL NEON, and all past and present officials, employees, representatives and agents of The City of New York or any agency thereof, from any and all claims that were or could have been alleged by plaintiff Kevin Allred in this action; and

IT IS FURTHER ORDERED THAT, Plaintiff Kevin Allred agrees that payment of Ten Thousand and One (\$10,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part.

IT IS FURTHER ORDERED THAT, If plaintiff Kevin Allred is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for defendants a final demand letter from Medicare.

IT IS FURTHER ORDERED THAT, By acceptance of this Rule 68 Offer of Judgment, plaintiff Kevin Allred agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-

Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26.

IT IS FURTHER ORDERED THAT, Plaintiff Kevin Allred further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.”

IT IS FURTHER ORDERED THAT, there shall be no interest on the amount of the judgment.

/S/ Frederic Block 9/16/2019

Frederic Block, U.S.D.C.J.